

1 THE HONORABLE JOHN C. COUGHENOUR

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CLAYTON THOMAS KIRKEY,

CASE NO. C19-1974-JCC

10 Petitioner,

ORDER

11 v.

12 STATE OF WASHINGTON,

13 Respondent.
14

15 This matter comes before the Court on the report and recommendation of the Honorable
16 Michelle L. Peterson, United States Magistrate Judge (Dkt. No. 6). Petitioner filed a proposed
17 *habeas* petition without paying the filing fee. (*See* Dkt. No. 2 at 1.) On December 3, 2019, the
18 Clerk notified Petitioner that he must either pay the filing fee required by 28 U.S.C. § 1914 or
19 apply to proceed *in forma pauperis*. (Dkt. No. 5 at 1.) The Clerk warned Petitioner that if he did
20 not respond to the letter by January 2, 2020, the Court might dismiss his action. (*Id.*) Petitioner
21 never paid the filing fee or applied to proceed *in forma pauperis*. Judge Peterson therefore
22 recommends that the Court dismiss this action. The Court agrees with Judge Peterson's
23 recommendation. Accordingly, the Court ORDERS as follows:

- 24 1. The report and recommendation (Dkt. No. 6) is ADOPTED;
25 2. This action is DISMISSED without prejudice; and
26 3. The Clerk is DIRECTED to send a copy of this order to Petitioner and Judge

Peterson.

DATED this 2nd day of March 2020.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE